

CHAPTER 28

UTILITIES

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CHAPTER 28

UTILITIES

DIVISION I ELECTRICITY

Sec. 28.101. GENERAL CONDITIONS FOR ELECTRIC RATES.

The following general conditions are applicable to the following as indicated in each rate schedule:

- (1) Service shall be provided subject to Ames Municipal Electric System rules and regulations.
(Ord. No. 2975, Sec. 1, 5-19-87; Ord. No. 2977, Sec. 1, 6-9-87)
- (2) The schedule will be applied to each meter and point of delivery and in no event will meter readings be combined except when it has been determined necessary by the Ames Municipal Electric System.
(Ord. No. 3885, 07-5-06)
- (3) Where a residence and a business are combined on one premises, service for the combined use will be considered residential only if the predominant use is for residential purposes. If the use is predominantly for business purposes, the customer is required to take all service under the applicable General Power or Large Power rate.
- (4) The standard approved type of electric water heater shall have a single 120 volt heating element no larger than 1500 watts or shall have multiple thermostatically controlled noninductive 240-volt heating elements of not more than 5000 watts per element with such multiple elements connected interlocking so that only one element may operate at a time.
- (5) The utility may assess an excess facilities charge when necessary to meet costs of an unusual installation.
(Ord. No. 2921, Sec. 1, 4-9-85; Ord. No. 3199, Sec. 1, 9-24-92)

Sec. 28.102. ENERGY COST ADJUSTMENT.

The net monthly billing based on rates will be increased or decreased by an amount corresponding to the increase or decrease in the average cost to the Ames Municipal Electric System for power plant fuel in the preceding month. The incremental charge will be computed by multiplying the number of kilowatt-hours used by the customer times the difference between the base fuel cost and the average fuel cost of the preceding month. The base fuel cost is \$0.0195 per kilowatt-hour. The average fuel cost shall be determined by multiplying the unit fuel cost in the previous month times the quantity of fuel used in the twelve (12)-month period prior to the previous month divided by the actual kilowatt-hour sales during the same period.

(Ord. No. 2921, Sec. 2, 4-9-85; Ord. No. 2975, Sec. 1, 5-19-87; Ord. No. 2977, Sec. 1, 6-9-87; Ord. No. 3199, Sec. 1, 9-24-92)

Sec. 28.103. RESIDENTIAL ELECTRIC RATES.

- (1) **Availability:** Electrical energy and service shall be available at the "Residential Rate" for all single-phase domestic uses in separately metered, dwelling units that are intended for occupancy by a single family as defined by the Ames Zoning Ordinance, as distinguished from group domiciles such as rooming houses, fraternity or sorority houses, supervised group homes, and residential care facilities of various kinds.
- (2) **Rate per billing period.** For each monthly billing period a residential rate customer:
 - (a) shall be charged five dollars and twenty-five cents (\$5.25) as a customer service charge, and
 - (b) in addition, shall be charged for energy consumption during the billing period as follows:
 - (i) for bills mailed on or between July 1 and October 31 (summer period):
\$0.0866 per kWh, or

- (ii) for bills mailed on or between November 1 and June 30 (winter period):
 - \$0.0798 per kWh for the first 400 kWh
 - \$0.0669 per kWh for the next 600 kWh
 - \$0.0634 per kWh for all kWh over 1000 kWh,

and

- (3) **Minimum bill:** The minimum charge per billing period shall be five dollars and twenty-five cents (\$5.25).

(Ord. No. 3885, 07-25-06; Ord. No. 3955, 05-27-08; Ord. No. 3987, 05-12-09)

- (4) **Conditions:** The residential rate shall be subject to the general conditions set forth in Section 28.101(1), (2), (3), (4) and (5).

(5) **Load Management Credit:** Any dwelling unit that qualifies under the Residential Electric Rate and is equipped with a properly installed central air conditioner shall be eligible to participate in the Residential Load Management Program. Customers who agree to allow the utility to install and maintain a Load Management Switch on their central air conditioner will receive the following credits to their electric bills:

- (a) \$5 credit for each installed Load Management Switch for bills mailed on or between July 1 and October 31.

(b) The total annual credit for each customer shall not exceed \$20 for each central air conditioner on which a Load Management Switch has been installed.

(Ord. No. 3277, Sec. 1, 5-24-94)

(Ord. No. 822, Sections 2, 3; Code 1956, Sections 26-2, 26-3; Ord. No. 1038, Sec. 1, 9-4-62; Ord. No. 2172, Sec. 2, 2-7-67; Ord. No. 2271, Sec. 1, 2, 10-22-68; Ord. No. 2505, Sec. 1, 2, 4-22-75; Ord. No. 2586, Sec. 2, 2-22-77; Ord. No. 2657, Sec. 2, 6-6-78; Ord. No. 2723, Sec. 2, 7-24-79; Ord. No. 2895, Sec. 1, 5-22-84; Ord. No. 2921, Sec. 3, 4-9-85; Ord. No. 3199, Sec. 1, 9-24-92)

Sec. 28.104. GENERAL POWER RATE.

(1) **Availability:** Electrical energy and service shall be available at the "General Power Rate" to all customers except those that qualify for another rate schedule, for all single-phase or three-phase, single-metered usage, where the metered demand does not exceed 50 Kw.

(2) **Rate per billing period:** For each monthly billing period a general power rate customer:

- (a) shall be charged six dollars and thirty cents (\$6.30) as the customer service charge; and,
- (b) in addition, shall be charged for energy consumption during the billing as follows:
 - (i) for bills mailed on or between July 1 and October 31(summer

period):

\$0.0963 per kWh for the first 2000 kWh
 \$0.0822 per kWh for the next 5000 kWh
 \$0.0798 per kWh for all kWh over 7000 kWh.

- (ii) for bills mailed on or between November 1 and June 30 (winter

period):

\$0.0751 per kWh for the first 2000 kWh
 \$0.0623 per kWh for the next 5000 kWh
 \$0.0599 per kWh for all kWh over 7000 kWh.

(3) **Minimum bill:** The minimum charge per billing period shall be six dollars and thirty cents (\$6.30).

(4) **Conditions:** The general power rate shall be subject to:

- (a) the general conditions of section 28.101 (1), (2), (3) and (5); and,
- (b) the following specific conditions:

(i) Unless three-phase service is determined by the Ames Municipal Electric System to be economically available, motors up to and including 5 hp shall be single-phase. Motors above 5 hp shall be three-phase. Three-phase service will normally be 120/208 volt, 4 wire. Where conditions warrant (outside the business district area), 4-wire 120/240 volt or 277/480 volt service may be furnished if mutually agreeable to the Ames Municipal Electric System and the customer.

(ii) Fluctuating loads. Loads requiring excess transformer capacity because of large momentary current requirements, or to provide close voltage regulation, shall be subject to an additional charge of \$0.327 per rated kVA of capacity above normal capacity requirement for the diversified demand. The kVA subject to an additional charge will be adjusted no more than once a year. No charge shall apply if the customer furnishes the transformers.

(Ord. No. 3885, 07-25-06; Ord. 3987, 05-12-09)

(iii) Should the electrical energy furnished under this schedule for any reason be metered on the primary side of the service transformers, the energy metered shall be reduced by 1-1/2 per cent before calculating the energy charge.

(5) **Load Management Credit:** Any facility that qualified and is equipped with a properly installed central air conditioner shall be eligible to participate in the Load Management Program. Customers who agree to allow the Ames Municipal Electric System to install and maintain a Load Management Switch on their central air conditioner will receive the following credits to their electric bills:

(a) Five dollars (\$5.00) credit for each installed Load Management Switch for bills mailed on or between July 1 and October 31.

(b) The total annual credit for each customer shall not exceed twenty dollars (\$20.00) for each central air conditioner on which a Load Management Switch has been installed.

(Ord. No. 822, Sections 4, 5; Code 1956, Sections 26-4, 26-5; Ord. No. 1038, Sec. 1, 9-4-62; Ord. No. 2172, Sec. 2, 2-7-67; Ord. No. 2271, Sec. 1, 2, 10-22-68; Ord. No. 2505, Sec. 1, 2, 4-22-75; Ord. No. 2586, Sec. 2, 2-22-77; Ord. No. 2657, Sec. 2, 6-6-78; Ord. No. 2723, Sec. 1, 2, 7-24-79; Ord. No. 2921, Sec. 4, 4-9-85; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3885, 07-25-06)

Sec. 28.105. LARGE POWER RATE.

(1) **Availability.** The Large Power rate shall be optional for any non-residential customer whose consumption in any billing period exceeds 10,000 Kwh. The Large Power rate shall be mandatory for any non-residential customer whose metered demand at any time exceeds 50 Kw. If at any time, a non-residential customer's metered demand exceeds 50 Kw, all consumption for the billing period in which that occurs, and for the next succeeding eleven billing periods, shall be charged at the Large Power rate. Any customer for whom the Large Power Rate became mandatory, who subsequently has a metered demand of less than 50 Kw for 12 consecutive months, will again become an optional Large Power customer with a choice between General Power and Large Power rates. Any customer for whom the Large Power rate is optional shall not switch rates more than once in a period of 12 months. Any customer on the Large Power rate who has a metered demand of less than 50 Kw, and a consumption of less than 10,000 Kwh, for twelve consecutive months, shall be changed to the General Power rate.

(2) **Rate per Billing Period.** For each monthly billing period, a large power rate customer:

- (a) shall be charged forty-eight dollars (\$48.00) as a customer service charge, and
(b) in addition, shall be charged for demand and energy consumption during the

billing period as follows:

(i) for bills mailed on or between July 1 and October 31 (summer period) a customer shall be charged a demand of:
\$5.000 per kW for the first 50 kW of billing demand
\$4.520 per kW for the next 100 kW of billing demand
\$4.050 per kW for all kilowatts over 150 kW of billing demand and an
energy charge of:

\$0.0646 per kWh for the first 200 hours use of billing demand
\$0.0446 per kWh for the next 200 hours use of billing demand
\$0.0411 per kWh for all kWh over 400 hours use of billing demand
(ii) for bills mailed on or between November 1 and June 30 (winter period) a customer shall be charged a demand charge of:
\$3.581 per kW for the first 50 kW of billing demand
\$3.110 per kW for the next 100 kW of billing demand
\$2.641 per kW for all kilowatts over 150 kW of billing demand and an
energy charge of:

\$0.0551 per kWh for the first 200 hours use of billing demand
\$0.0435 per kWh for the next 200 hours use of billing demand
\$0.0387 per kWh for all kWh over 400 hours use of billing demand

(Ord. No. 3987, 05-12-09)

(c) All charges above also shall be subject to the current applicable energy cost adjustment per Sec. 28.102.

(3) **Billing Demand:** The "Billing Demand" shall be the greater of:

(a) The peak 15-minute demand measured during the present monthly billing period; or
(b) Seventy-five percent (75%) of the peak demand measured during the most recent four months of the summer period; or
(c) Sixty percent (60%) of the peak demand measured during the last eleven billing periods.
(d) Provided, however, that the demand used for billing shall in no case be less than 15 Kw after discounts.

(4) **Minimum bill:** The minimum bill shall be the customer charge plus the current demand charge.

(5) **Power factor adjustment:** A power factor adjustment may be made, at the option of the Ames Municipal Electric System, when the power factor is less than 90% lagging. If the power factor is less than 90% lagging, the billing demand may be increased by 1½% for each whole 1% the power factor is below 90%.

(Ord. No. 3987, 5-12-09)

(6) **Service facilities:** The Ames Municipal Electric System shall furnish as a standard installation facilities adequate to supply service at a single point of delivery to a normal load equal to the maximum 15-minute demand of the customer. Each standard installation shall include, where necessary, facilities for one standard transformation and the demand and energy consumption of the entire premises.

(7) **Excess facilities charge:** In the event service facilities in addition to, or different from, a standard installation are requested by the customer, or are required to serve the customer's load, the Ames Municipal Electric System shall furnish, install, and maintain such facilities subject to the following considerations:

(a) The type, extent, and location of such service facilities shall be determined by agreement between the Ames Municipal Electric System and the customer.

(b) Such service facilities shall be the property of the Ames Municipal Electric System.

(c) The customer shall pay a monthly rental charge on those facilities in excess of the facilities included in a standard installation.

(d) If the optional or nonstandard facilities are used for other customers also, the rental payable by the customer shall be that portion of the total rental which is reasonably assignable to the customer.

(8) **Primary service:** Customers who take service at primary voltage shall be granted discounts to demand and energy as follows:

(a) 1-1/2% of the billing demand and measured energy where metering is on the high voltage side of utility-owned transformers.

(b) 5% of the billing demand and 1-1/2% of the measured energy where metering is on the high voltage side of customer-owned transformers.

(c) A minimum billing demand after discount shall be 15 Kw.

(d) Voltages below 8,000/13,800 Y nominal are considered secondary voltage.

(9) **Conditions:** The Large Power Rate shall be subject to

(a) the general condition in section 28.101 (1), (2), (3) and (5); and,

(b) the following specific conditions:

(i) The customer's total usage on a single premise shall determine whether the customer qualifies for service under this rate structure. In no event will the customer be billed on both the General Power and Large Power rates. A premise is defined as the main building of a commercial or industrial establishment, and shall include the outlying or adjacent buildings used by the same provided the use of service in the outlying buildings is supplemental and similar to the service used in the main building.

(ii) Fluctuating loads. If use of energy is intermittent or subject to violent fluctuation, the Ames Municipal Electric System may add to the 15-minute measured demand an amount equal to 65% of the rated capacity in Kw of the apparatus which causes such fluctuations.

(10) **Load Management Credit:** Any facility that qualified and is equipped with a properly installed central air conditioner shall be eligible to participate in the Load Management Program. Customers who agree to allow the Ames Municipal Electric System to install and maintain a Load Management Switch on their central air conditioner will receive the following credits to their electric bills:

(a) Five dollars (\$5.00) credit for each installed Load Management Switch for bills mailed on or between July 1 and October 31.

(b) The total annual credit for each customer shall not exceed twenty dollars (\$20.00) for each central air conditioner on which a Load Management Switch has been installed.

(Ord. No. 822, Sections 4, 5; Code 1956, Sections 26-4, 26-5; Ord. No. 1038, Sec. 1, 9-4-62; Ord. No. 2172, Sec. 2, 2-7-67; Ord. No. 2271, Sec. 1, 2, 10-22-68; Ord. No. 2505, Sec. 1, 2, 4-22-75; Ord. No. 2586, Sec. 2, 2-22-77; Ord. No. 2657, Sec. 2, 6-6-78; Ord. No. 2723, Sec. 1, 2, 7-24-79; Ord. No. 2921, Sec. 4, 4-9-85; Ord. No. 3199, Sec. 1, 9-24-92)(Ord. No. 3885, 07-5-06)

Sec. 28.106. INDUSTRIAL RATE.

(1) **Availability:** Provisions of Sec. 28.105 notwithstanding, electrical energy and service shall be available at the following "industrial rate" to manufacturing/processing type industrial customers. On a month-by-month basis, a qualified industrial customer shall be charged the lower of bills calculated on the Large Power and Industrial rates.

(2) **Rate Per Billing Period.** For each monthly billing period, an industrial rate customer
(a) shall be charged one hundred eighteen dollars (\$118.00) as a customer service charge, and

(b) in addition, shall be charged for demand and energy consumption during the billing period as follows:

(i) for bills mailed on or between July 1 and October 31 (summer period) a customer shall be charged a demand charge of \$4.050 per kW for all kilowatts of billing demand, and an energy charge of:

\$0.0575 per kWh for the first 200 hours of billing demand
\$0.0387 per kWh for the next 200 hours use of billing demand
\$0.0364 per kWh for all kWh over 400 hours use of billing demand

(ii) for bills mailed on or between November 1 and June 30 (winter period) a customer shall be charged a demand charge of:
\$2.641 per kW for all kilowatts of billing demand, and an energy charge of:

\$0.0494 per kWh for the first 200 hours use of billing demand
\$0.0375 per kWh for the next 200 hours use of billing demand
\$0.0340 per kWh for all kWh over 400 hours use of billing demand

(Ord. No. 3955, 05-27-08; Ord 3987, 05-12-09)

(c) All charges above also shall be subject to the current applicable energy cost adjustment per Sec. 28.102.

(3) **Billing Demand.** The 'Billing Demand' shall be the greater of:
(a) The peak fifteen (15) minute demand measured during the current monthly billing period, or
(b) Seventy-five percent (75%) of the peak demand measured during the most recent four months of the summer period; or
(c) Sixty percent (60%) of the peak demand measured during the last eleven billing periods.
(d) Provided, however, that the demand used for billing shall in no case be less than 2500 Kw after discounts.

(4) **Minimum Bill.** The minimum monthly bill shall be the customer charge plus the current demand charge plus the energy charge and energy cost adjustment for 600,000 Kwh.

(5) **Power Factor Adjustment.** A power factor adjustment may be made, at the option of the Ames Municipal Electric System, when the power factor is less than 90% lagging. If the power factor is less than 90% lagging, the billing demand may be increased by 1½% for each whole 1% the power factor is below 90%.

(Ord. No. 3987, 05-12-09)

(6) **Service Facilities.** The Ames Municipal Electric System shall furnish as a standard installation facilities adequate to supply service at a single point of delivery to a normal load equal to the maximum 15-minute demand of the customer. Each standard installation shall include, where necessary, facilities for one standard transformation and the demand and energy consumption of the entire premises.

(7) **Excess Facility Charge.** In the event service facilities in addition to, or different from, a standard installation are requested by the customer, or are required to serve the customer's load, the Ames Municipal Electric System shall furnish, install, and maintain such facilities subject to the following considerations:

(a) The type, extent, and location of such service facilities shall be determined by agreement between the Ames Municipal Electric System and the customer.

(b) Such service facilities shall be the property of the Ames Municipal Electric System.

(c) The customer shall pay a monthly rental charge on those facilities in excess of the facilities included in a standard installation.

(d) If the optional or nonstandard facilities are used for other customers also, the rental payable by the customer shall be that portion of the total rental which is reasonably assignable to the customer.

(8) **Primary service:** Customers who take service at primary voltage shall be granted discounts to demand and energy as follows:

(a) 1-1/2% of the billing demand and measured energy where metering is on the high voltage side of utility-owned transformers.

(b) 5% of the billing demand and 1-1/2% of the measured energy where metering is on the high voltage side of customer-owned transformers.

(c) A minimum billing demand after discount shall be 2500 Kw.

(d) Voltages below 8,000/13,800 Y nominal are considered secondary voltage.

(9) **Conditions.** The Industrial rate shall be subject to the following specific conditions.

(a) the general condition in section 28.101 (1), (2) and (5) and

(b) the following specific conditions:

(i) The customer's total usage on a single premise shall determine whether the customer qualifies for service under this rate structure. In no event will the customer be billed on more than one rate. A premise is defined as the main building of a commercial or industrial establishment, and shall include the outlying or adjacent buildings used by the same provided the use of service in the outlying buildings is supplemental and similar to the service used in the main building.

(ii) Fluctuating loads. If use of energy is intermittent or subject to violent fluctuation, the Ames Municipal Electric System may add to the 15-minute measured demand an amount equal to 65% of the rated capacity in Kw of the apparatus which causes such fluctuations.

(Ord. No. 2827, 6-15-82; Ord. No. 2832, 9-21-82; Ord. No. 2921, Sec. 1, 4-9-85; Ord. No. 3199, Sec. 1, 9-24-92)

Sec. 28.107. STREET AND SECURITY LIGHTING RATE.

(1) **Availability.** Lighting energy and service shall be available for street lighting and for security lighting where it is impossible or impractical to meter the electrical energy through the customer's normal metering location.

(2) **Rate per Billing Period.** For each monthly billing period the lighting customer:

(a) shall be charged for service per lamp:

(i) for bills mailed on or after July 1, 2009:

	Monthly Charge	Monthly Consumption Lamp (kWh per Lamp)
1000 Watt - Mercury Vapor	24.45	383
700 Watt - Mercury Vapor	17.80	268
400 Watt - Mercury Vapor	11.15	153
400 Watt - Mercury Vapor-Ornamental	13.50	153
250 Watt - Mercury Vapor	8.00	96
250 Watt - Mercury Vapor-Ornamental	11.90	96
175 Watt - Mercury Vapor	6.60	67
175 Watt - Mercury Vapor-Ornamental	8.90	67
400 Watt - High Pressure Sodium	12.05	153
400 Watt - High Pressure Sodium-Ornamental	13.50	153
360 Watt - High Pressure Sodium	11.40	138
360 Watt - High Pressure Sodium-Ornamental	12.90	138
250 Watt - High Pressure Sodium	8.75	96
250 Watt - High Pressure Sodium-Ornamental	12.35	96
200 Watt - High Pressure Sodium	8.45	77
200 Watt - High Pressure Sodium-Ornamental	12.35	77
150 Watt - High Pressure Sodium	7.30	60
150 Watt - High Pressure Sodium-Ornamental	9.65	60
100 Watt - High Pressure Sodium	5.90	38
100 Watt - High Pressure Sodium-Ornamental	8.00	38
70 Watt - High Pressure Sodium	5.15	27
70 Watt - High Pressure Sodium-Ornamental	7.35	27

Ornamental fixtures are units on poles other than wood.

(Ord. No. 2975, Sec. 1, 5-19-87; Ord. No. 2977, Sec. 1, 6-9-77; Ord. No. 3885, 07-25-06; Ord. No. 3955, 05-27-08; Ord. No. 3987, 05-12-09)

(b) and all lamps shall be charged any applicable energy cost adjustment, per Sec. 28.102, based on the stated average monthly Kwh consumption per lamp.

(3) **Conditions.** The street and security lighting rate will be subject to 28.101(1) and (5) and the following specific conditions:

(a) new service agreements shall be 3 years minimum

(b) new installation for "security lights" will only be made with 175, 400, or 1000 watt mercury vapor or with 70, 100, 150, 200, or 250 watt sodium fixtures on existing poles with a maximum of a 150 foot span of wire.

(c) Customers desiring a change from mercury to sodium fixtures after less than 3 years under an existing service agreement will be charged for conversion costs.

(d) Flood lights, where available from utility stock, shall have an additional monthly charge of \$0.65 per lamp.

(Ord. No. 3885, 07-25-06; Ord. No. 3955, 05-27-08; Ord. No. 3987, 05-12-09)

(e) No new 360 watt sodium fixtures will be installed.

(Ord. No. 2921, Sec. 6, 4-9-85; Ord. No. 3199, Sec. 1, 9-24-92)

(f) Contract for energy only charges will be billed at a rate of \$0.080 per kilowatt hour plus the applicable energy cost adjustment.

(Ord. No. 3955, 05-27-08; Ord. No. 3987, 05-12-09)

DIVISION II WATER SERVICE

Sec. 28.201. WATER RATES AND CHARGES

The rates and charges for water supplied to consumers by the water utility of the city, to be billed on or after July 1, 2010 are as follows:

(1) **Residential Rates.**

(a) **Availability.** The residential rate shall apply to all customer accounts within the Ames corporate limits serving properties that are intended for occupancy by a single family as defined by the Ames Zoning Ordinance, provided that such accounts consist of no more than two dwelling units served by a single water meter or to multiple unit residential structures (such as apartment buildings) where every dwelling unit is separately metered. The rate does not apply to domestic uses that consist of more than two dwelling units served by a single meter or to water accounts that provide service for common areas such as shared laundry facilities or for general property maintenance.

(b) **Rate per billing period.** For each monthly billing period a residential rate customer:

(i) shall be charged a minimum charge based on meter size, and in addition

(ii) shall be charged for water usage during the billing periods as follows:

(a) for bills mailed on or between July 1 and October 31 (summer period):

\$0.0173 per cubic foot for the first 1000 cubic feet of usage

\$0.0306 per cubic foot for the next 1500 cubic feet of usage

\$0.0459 per cubic foot for all usage over 2500 cubic feet

(b) for bills mailed on or between November 1 and June 30 (winter period):

\$0.0173 per cubic foot

(Ord. No. 4037; 5-11-10)

(2) **Non-residential (Commercial) Rates**

(a) **Availability.** The non-residential rate shall apply to all accounts that do not meet the criteria for residential, irrigation and yard water, rural water, or preferred industrial rates.

(b) **Rate per billing period.** For each monthly billing period a non-residential customer:

(i) shall be charged a minimum charge based on meter size, and in addition

(ii) shall be charged for water usage during the billing periods as follows:

(a) for bills mailed on or between July 1 and October 31 (summer period):

\$0.0227 per cubic foot

(b) for bills mailed on or between November 1 and June 30 (winter period):
\$0.0173 per cubic foot

(Ord. No. 4037; 5-11-10)

(3) **Non-Peaking Industrial Rate.**

(a) **Availability.** The non-peaking industrial rate shall be available to all non-residential rate customers who meet the following criteria:

(i) Average winter usage greater than 100,000 cubic feet per billing period.

Average winter usage per billing period will be calculated by taking the sum of the usage during the most previous December, January, and February billing periods and dividing by three.

(ii) The summer peaking factor shall be computed by taking the largest consumption billed during the most recent summer billing periods (bills mailed July, August, September, and October) and dividing it by the average winter usage, with the result expressed as a percentage.

(b) **Rate per Billing Period.** For each monthly billing period a non-peaking industrial rate customer:

(i) shall be charged a minimum charge based on meter size, and in addition

(ii) shall be charged for water usage during the billing periods as follows:

(a) for bills mailed on or between July 1 and October 31 (summer period):

\$0.0173 per cubic foot

(b) for bills mailed on or between November 1 and June 30 (winter period):

\$0.0173 per cubic foot

(Ord. No. 4037; 5-11-10)

(4) **Irrigation and Yard Water Service Rate.**

(a) **Availability.** The irrigation and yard water rate shall apply to all separately metered water uses that meet one of the following criteria:

(i) Serves primarily outdoor water uses, such as irrigation systems and outside hose bibs.

(ii) Serves cooling towers, spray ponds, evaporative condensers, chillers, or such similar uses where water is used as a medium for cooling.

(iii) Serves as a temporary water service, whether for irrigation purposes or for other outdoor uses.

(b) **Rate per Billing Period.** For each monthly billing period an irrigation and yard water rate customer:

(i) shall be charged a minimum charge as described below, and in addition

(ii) shall be charged for water usage during billing periods as follows:

(a) for bills mailed on or between July 1 and October 31 (summer period):

\$0.0250 per cubic foot for the first 2000 cubic feet of usage

\$0.0459 per cubic foot for the next 3000 cubic feet of usage

\$0.0765 per cubic foot for all usage greater than 5000 cubic feet.

(b) for bills mailed on or between November 1 and June 30 (winter period):

\$0.0173 per cubic foot

(Ord. No. 4037; 5-11-10)

(5) **Rural Water Rate.**

(a) **Availability.** The rural water rate shall apply to all customer accounts outside the Ames corporate limits, except those covered by a separate wholesale contract or agreement for service.

(b) **Rate per billing period.** For each monthly billing period, a rural water rate customer:

(i) shall be charged a Rural water minimum charge based on meter size.

(ii) shall be charged for water usage during billing periods as follows:

(a) for bills mailed on or between July 1 and October 31 (summer period):

\$0.0287 per cubic foot for the first 2000 cubic feet of usage

\$0.0528 per cubic foot for the next 3000 cubic feet of usage

\$0.0879 per cubic foot for all usage greater than 5000 cubic feet.

(b) for bills mailed on or between November 1 and June 30 (winter period):

\$0.0199 per cubic foot for all consumption.

(Ord. No. 4037; 5-11-10)

(6) **Water Rate and Charge Adjustments.** It shall be the duty of the director of water and pollution control to review and recommend to the city council revisions of the rates and charges established and set out in this division at intervals appropriate to provide for the funding needs of the utility.

(Ord. No. 4037; 5-11-10)

(7) **Minimum charges.** For each monthly billing, each customer shall be charged a minimum monthly charge based on the size of the water meter (s) and/or irrigation meter (s) at each location. The minimum monthly charge may be prorated, based on a 30-day billing period, for the customer's initial and/or final bills, provided that in no case shall the minimum monthly charge be less than four dollars and twenty-five cents (\$4.25). The minimum monthly charge for each water meter location shall be as follows:

Size of Meter	Residential, Non-residential, Non-peaking Industrial, and Irrigation Accounts	Yard Water Accounts	Rural Water Accounts
5/8" or 5/8"x3/4"	8.85	3.35	10.20
3/4 inch	17.70	5.20	20.35
1 inch	35.40	7.25	40.70
1-1/2 inch	70.80	10.00	81.45
2 inch	141.60	13.30	162.90
2 inch, battery of 2	274.35	--	315.70
2 inch, battery of 3	407.10	--	468.45
3 inch	283.20	17.30	325.90
4 inch	477.90	21.50	549.90
6 inch	796.50	25.75	916.50
8 inch	1,593.00	30.00	1,832.60
10 inch	2,389.50	34.20	2,750.00

(Ord. No. 4037; 5-11-10)

(8) **Multiple dwellings – Mobile home parks.** Multiple dwellings, including mobile home parks, may be serviced from a single water meter. However, there shall be a surcharge added to the water rates set forth above, to be calculated as follows:

For a 5/8 inch meter serving 2 or more dwelling units	2.55/month/unit
For a 3/4 inch meter serving 4 or more dwelling units	2.55/month/unit
For a 1 inch meter serving 8 or more dwelling units	2.55/month/unit
For a 1-1/2 inch meter serving 16 or more dwelling units	2.55/month/unit
For a 2 inch meter serving 30 or more dwelling units	76.25/month
for the first 30 units plus \$3.95/month per unit for each additional unit in excess of 30 units	
For a 3 inch or larger meter serving any number of dwelling units	3.50/month/unit

For the purposes of this section, a dwelling unit is defined as a self-contained living facility (i.e., including kitchen and bath) such as an apartment or a licensed independent mobile home space.

(a) For rural customer accounts outside the Ames corporate limits, the multiple unit charges shown above shall be multiplied by a factor of 1.15.

(Ord. No. 2338, Sec. 1, 4-28-70; Ord. No. 2412, Sec. 2, 9-5-72; Ord. No. 2461, Sec. 3, 12-18-73; Ord. No. 2653, Sec. 2, 5-2-78; Ord. No. 3167, Sec. 1, 4-28-92; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3278, Sec. 1, 5-24-94; Ord. No. 3326, Sec. 1, 5-9-95; Ord. No. 3568, 6-27-00; Ord. No. 3995 06-23-09; Ord. No. 4010, 9-22-09; Ord. No. 4037, 5-11-10).

Sec. 28.202. WATER SERVICE, CONNECTION CHARGE.

(1) **Generally.** There is established hereby, as a fee for connection to the water main, such charge as the City Council shall by resolution set for the property served by and adjacent to the main, provided that no water utility special assessment connection fee has been imposed previously with respect to said land and the main was financed with funds of the City.

(a) **Rural water connections.** If an existing water main is adjacent to a rural property, rural water customers shall pay a fee for connection to the water main as provided generally above. If no main is adjacent to the property, the City will construct a temporary water service line to property to be used until such time as a water main is constructed adjacent to the property. The rural customer shall pay the entire actual cost for design and installation of the temporary line in accord with the City's engineering fee schedule then in effect. Additionally, at such time as a main becomes adjacent to the property, the rural customer shall be required to connect to that main and shall pay a fee for connection to that main in accordance with the connection fee schedule then in effect.

(Ord. No. 4010, 9-22-09)

Sec. 28.203. METERS FURNISHED AND OWNED.

(1) All water meters shall be furnished and owned by the City. The customer shall pay for the water meter(s) according to the current schedule of fees for meter installation.

(2) The type and size of meter(s) to be installed may be reviewed with the customer or customer's representative, but the Water and Pollution Control Department shall have final authority to set the meter(s) considered most appropriate for the proposed installation. No water meter shall be set nor shall the water service be turned on unless the location and setting comply with the code and all fees and deposits have been paid.

(Ord. No. 854, Sec. 45; Code 1956, Sec. 31-45; Ord. No. 3199, Sec. 1, 9-24-92)

Sec. 28.204. METER TO REMAIN WHERE INSTALLED

(1) The water meter(s) shall remain at the address in which installed and shall remain in the same location as first installed unless the relocation is approved by the Water Meter Division. In the event the owner or occupant moves from the building, the meter(s) remains with the building. If the building is demolished or moved from the lot, the meter(s) shall be removed and returned to the City. If the building is moved to another location, the owner shall pay applicable meter fees for the new location.

(2) Meter fees will also be charged for the new meter(s) set at the previous location. This meter fee may be prorated if the new meter(s) is set within six months of the notice to the Finance Department to discontinue service.

(3) Only employees of the Water Meter Division are authorized to remove meters except as provided in Section 28.210(2). A resetting fee shall be assessed for removal of a meter without authorization.

(Ord. No. 854, Sec. 46; Code 1956, Sec. 31-46; Ord. No. 3199, Sec. 1, 9-24-92)

Sec. 28.205. LOCATION AND ACCESSIBILITY

(1) **Basement mechanical room.** The water meter(s) shall be located in the basement or mechanical/utility room if one is provided. The master water meter shall be placed where the water service line comes through the basement wall or basement floor. Where no basement is provided, the master meter shall be placed where the service line comes through the floor of the utility room. Meters shall be indoors and protected from freezing. A floor drain shall be located in the room containing the meter(s). Meters cannot be located above the first or ground floor level under any conditions. Only the individual water meter(s) serving a dwelling unit can be located within the private occupancy space of that dwelling unit.

(2) **Multi-family dwellings.** In a duplex, the preferred meter location is in the joint basement or mechanical room. If this is not possible, each individual meter must be in the private occupancy area (utility room, for example) of that dwelling unit. In multi-family dwellings on one level, the preferred meter location is in a joint mechanical, utility, or meter room. However, with prior approval, individual meters may be located in the utility room of each dwelling unit. In multi-family dwellings on more than one level, meters shall be congregated in one or more mechanical/utility or meter rooms in the basement or first floor level of the building. Location of individual meters in each individual utility room or apartment is prohibited. In an apartment complex where a mechanical room is not provided, a water meter room shall be provided at the point where the service line comes through the wall or floor. A floor drain must also be provided in this area.

(3) All meters shall be placed within 30" and no more than 42" from where the water service first penetrates the floor or wall of the structure.

(4) **Meter setting height.** Single water meters shall be set at a height not less than 30 inches and not more than 42 inches above the floor. Multiple water meters may be stacked vertically, either directly above or offset, within

general limits of not less than 20 inches and not more than 48 inches above the floor.

(5) **Accessibility.** All water meters shall be in an accessible location. There shall be no obstruction or storage of other materials preventing access to the meter. The meter shall not be placed above or behind a furnace, water heater, washer or dryer, or other such arrangement limiting access to the meter. No shelf may be placed less than two feet above any meter. For meters smaller than one inch, a minimum of two feet of working clearance around the meter is necessary for meter maintenance and routine change. For meters one inch or larger, a minimum of three feet of working clearance around the meter is necessary for maintenance.

(Ord. No. 3199, Sec. 1, 9-24-92)

(6) **Access Granted.** As a condition of service, all customers must consent to provide access to the property for the purposes of meter reading, and to perform routine and emergency service and maintenance of the water meter. Failure or refusal to grant access may result in termination of water service.

(Ord. No. 4010, 09-22-09)

Sec. 28.206. METER VALVES

There shall be an inverted key, ringstyle, locking-type water meter valve of 'Ford KV-23-W' pattern, or its equivalent, attached to every water service pipe inside the building wall, the valve to be set not less than two and one-half feet above the finished floor. There shall also be a valve installed on the discharge side of each meter.

(Ord. No. 3199, Sec. 1, 9-24-92)

Sec. 28.207. METER ACCESSORIES

(1) **Bypass.** A valved bypass line shall be provided for every water meter installation 1½ inch diameter and larger so that the meter can be removed without interrupting service to the customer. It is recommended that valved bypass lines be provided for smaller meter installations where interruption of service is not acceptable to the customer. All valved bypass lines shall be closed and sealed by the Water Meter Division. If the seal is broken for any reason except as may be authorized by the Water Meter Division, the customer shall be billed for unauthorized use.

(2) **Jumper wire.** All water services shall have a jumper wire installed to ground the water service when the water meter is removed for testing or maintenance. The use of the water service as a primary ground for the electrical, telephone, cable TV, or other systems is prohibited. In the event the water service is installed using plastic or PVC pipe materials, neither primary nor secondary grounding is permitted.

(3) **Water Meter Supports.** If plastic or PVC pipe materials are used for the service or interior plumbing, the water meter shall be supported or mounted in an approved manner at the location specified in Sec. 28.205. Acceptable supports include a shelf attached/anchored to the building wall or a steel support anchored in the concrete floor. The support shall be of sufficient strength to hold the weight of the meter and accessories. A temporary support may be used for construction meters.

(Ord. No. 3199, Sec. 1, 9-24-92)

Sec. 28.208. METER PITS

Meter pits will generally not be approved because of the difficulty and safety hazards in meter reading and maintenance. If no other alternative is available, a meter pit constructed in accordance with Water and Pollution Control specifications may be approved.

(Ord. No. 3199, Sec. 1, 9-24-92)

Sec. 28.209. REMOTE READING DEVICE

(1) **New meter installations.** All new water meter installations shall have a remote reading register placed on the outside of the building or residence. The remote register shall be located within three feet of the electric meter whenever possible. The customer or builder shall install a single 18/4 or two pairs 18/2 solid core bell wire with plastic sheath from the water meter on the inside of the unit to the location of the remote register on the outside of the unit. One pair of wires is for the customer's master water meter, and the other is for the yard meter or other sub-meter arrangement. A minimum of three feet of excess wire shall be left at each end to allow connection to the water meter and installation of the remote register. The City will provide and install the remote register and connect the customer-installed wire.
(Code 1956, Sec. 31-29.1; Ord. No. 2073, Sec. 1, 5-11-65; Ord. No. 2416, Sec. 2, 9-26-72; Ord. No. 3199, Sec. 1, 9-24-92)

(2) **Rural Water customer remote readers.** Rural customers shall provide a mounting location for the remote meter reading device that will facilitate easy access for meter reading. For locations that are served by the City of Ames municipal electric utility, the remote reading device shall be placed within three feet of the electric meter wherever practical. Alternate locations and installation requirements shall be approved by the Water Meter

Division prior to installation of the water meter.

It shall be the responsibility of the customer to maintain an adequate clearance around the remote reading device to prevent landscaping, snow drifts or piles, or other obstructions from interfering with access to the remote reading device for meter reading, service, or maintenance.

(Ord. No. 4010, 09-22-09)

Sec. 28.209A. RURAL CUSTOMER BACKFLOW PREVENTION. For all water customers outside the Ames corporate limits, a testable backflow prevention device shall be required.

(1) **Location.** The backflow prevention device shall be installed directly after the meter.

(2) **Installation.** It is the responsibility of the customer to provide this device, and it shall be installed by a plumber licensed by the City of Ames pursuant to a plumbing permit acquired from the City of Ames, and installed in compliance with all Plumbing codes applicable in the City of Ames.

(3) **Maintenance/Testing.** The device shall be tested upon installation and at least annually thereafter by a registered backflow prevention assembly technician. Results of all backflow prevention assembly test reports shall be submitted to the Water Meter Division within 10 working days of when the device was tested.

It is the responsibility of the customer to maintain the backflow prevention device.

If backflow occurs at a rural water location, the customer shall comply with provisions of Ames Municipal Code Sec. 21.501(47)(b)(xii).

Failure to perform the required testing at least annually, or to maintain the device in good repair, may result in termination of service.

(Code 1956, Sec. 31-29.1; Ord. No. 2073, Sec. 1, 5-11-65; Ord. No. 2416, Sec. 2, 9-26-72; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 4010, 09-22-09)

Sec. 28.210. METER REPAIRS AND COST

(1) The Water Utility will service and maintain city-owned water meters without charge and will replace a defective or malfunctioning water meter without charge. However, if it is found that damage to the meter has resulted through carelessness and/or negligence on the part of the customer, or as a result of the customer's plumbing system or internal operations, then the customer shall be liable for the expense of the repair of the meter.

(2) In the event of an emergency where the meter is discovered out of order to such an extent as to cause property damage by leakage, the meter may be removed by the customer or the customer's representative and immediately returned to the Water Meter Division for repair.

(3) Where a water meter fails to register accurately, the customer shall be charged the average rate as shown by the previous readings of the meter when in order.

(Ord. No. 854, Sec. 30; Code 1956, Sec. 31-30; Ord. No. 3199, Sec. 1, 9-24-92)

Sec. 28.211. PROTECTION OF METERS.

(1) Protection of the meter from freezing or any other damage shall be the obligation of the owners and occupants of the premises for which installed. Cost of any repairs for damaged meters shall be assessed as described in Sec. 28.210.

(2) Unprotected construction meters will only be set between May 15 and October 15. If the construction is protected from the elements, a construction meter may be used at any time.

(Ord. No. 854, Sec. 40; Code 1956, Sec. 31-48; Ord. No. 3199, Sec. 1, 9-24-92)

Sec. 28.212. HYDRANT METER

As a general rule, hydrant meters will not be allowed except under unusual circumstances. Prior approval of the Water and Pollution Control Department is required. A fee shall be charged for setting and removing each hydrant meter. In addition, a deposit is required before each hydrant meter is set. The deposit less damages, if any, will be returned after the hydrant meter is removed.

(Ord. No. 854, Sec. 40; Code 1956, Sec. 31-48; Ord. No. 3199, Sec. 1, 9-24-92)

Sec. 28.213. UNMETERED WATER USE

Unmetered water use at any location for any purpose, without prior authorization from the Water Meter Division, shall be billed at a rate set by city council per occurrence or per month, whichever is greater. In addition, any damages shall be charged to the person using the water without authorization. Authorized use of water without a meter will be billed at the rate set by city council. To initiate or terminate this service the customer shall make such request

through the Customer Service Division of the Finance Department.
(Ord. No. 854, Sec. 40; Code 1956, Sec. 31-48; Ord. No. 3199, Sec. 1, 9-24-92)

Sec. 28.214. OWNERSHIP AND REPAIR, WATER SERVICE CONNECTIONS

All service connections with the city water supply from the main to the meter, including the corporation cock, service line, curb cock and curb box shall be installed and maintained at the expense of the property to be served. Ownership of the entire service connection remains with the property. Whenever any part of the water service line between the main and the consumer's meter develops a leak or becomes out of repair, it shall be the duty of the City Manager to notify the property owner, the property owner's legal agent, or the consumer of the defect. Leaking water services which are galvanized service line piping materials shall be replaced entirely between the water main and the meter with a water service line of proper size and material. The Administrative Authority may require replacement of leaking water services made of other non-approved materials if it is determined that the condition of the service line presents safety or sanitary concerns. To prevent or reduce damage to public or private property, the City Manager or his designee shall, if the owner or consumer does not act to correct the defect within fourteen (14) calendar days after notice, cause the discontinuance of water service to the premises. The City Manager is authorized to discontinue service or repair service leaks without prior notice to the property owner or tenant in emergency situations to prevent service interruption, damages, or injury to others. Any costs incurred by the city for excavation and replacement, and repair of damages to property caused by such, shall be charged to the owner and may be assessed as a lien against the property as provided in Sections 384.62 and 364.12 Code of Iowa.

(Ord. No. 3199, Sec. 1, 9-24-92)

(a) **Code Requirements for Rural Water Service.** The service connection for a rural water account, from the tap at the main through the outlet of the backflow prevention device, shall comply in all respects with the requirements of the Ames Plumbing Code. Installation, alteration, repair, or other work performed on any part of the water service shall be done only pursuant to a permit from the City of Ames Inspections Division and all work shall be completed in compliance with the permit and any other requirements of the Inspections Division.

(Ord. No. 4010, 09-22-09)

Sec. 28.215. DISCONNECTION AND RECONNECTION OF WATER SERVICE -- CHARGES.

When requested by the customer, the city will cause the water to be turned off at the curb box, provided the curb cock is in working order and is accessible. A fee may be charged to the customer for the service. The cost of locating and servicing an inaccessible or damaged curb cock or curb box will be at the expense of the customer ordering discontinuance of service. Should it become necessary to cut off the water at the corporation cock in the main, the expense thereof shall be charged to the owner of the premises. Water rents and service charges will be made until notice of discontinuance of service is given to the city at the office of the Finance Director. When water service is discontinued, all water rentals and charges of the city for water service to the customer shall be immediately due and payable.

When service is temporarily disconnected at the request of the customer or for non-payment of bills, a charge may be made for reconnecting the service.

(Ord. No. 854, Sec. 22; Code 1956, Sec. 31-22; Ord. No. 2009, Sec. 1, 12-17-63, Ord. No. 2550, Sec. 2, 7-6-76; Ord. No. 3199, Sec. 1, 9-24-92)

Sec. 28.216. AIR CONDITIONING WATER CONSERVATION.

(1) **Definitions.** For the purpose of this section the following terms, phrases, words, and their derivations have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) Air-conditioning system is one or more units for the cooling or dehumidification, or both, of space for human occupancy.

(b) Building official is the building official of the city.

(c) Compressor horsepower (one) is the equivalent of one ton of refrigeration which is the heat required to melt ice at the rate of one ton in twenty-four (24) hours.

(d) Water conservation device is a cooling tower, spray pond, evaporative condenser or other equipment by which water is cooled and recirculated, thereby limiting the use of water from city mains to that amount necessary for cleaning, and restoration of losses through evaporation.

(e) Water regulating device is an automatic control valve, the purpose of which is to

limit the maximum use of water to a predetermined rate.

(Ord. No. 846, Sections 2, 2.1, 2.4, 2.5, 2.7, 2.8; Code 1956, Sections 43-2, 43-2.1, 43-2.4, 43-2.5, 43-2.7, 43.2.8)

(2) **Compliance required.** It is unlawful for any person to have installed hereafter any air-conditioning system using water as its medium without first conforming to the provisions of this section and the building and electrical codes of this city.

(Ord. No. 846, Sec. 3; Code 1956, Sec. 43-3)

(3) **Permit required.** All persons who desire to install any air cooled or water cooled system shall obtain approval of their equipment, obtain a permit therefore in advance from the building official and shall give notice of completion of the installation to the official.

(Ord. No. 846, Sec. 4; Code 1956, Sec. 43-4)

(4) **Permit required to change nonconforming installations.** All water cooled air-conditioning systems installed prior to the effective date of this section which are to be replaced, altered or increased in size as a whole system or part of a system shall conform to the provisions of this chapter after the change has been made. A permit shall be obtained from the building official for the changes as herein provided.

(Ord. No. 846, Sec. 5; Code 1956, Sec. 43-5)

(5) **Standards of operation prerequisite to permit.** Before issuing a permit as required herein the building official shall find that the system complies with the following standards of operation:

(a) Use of city water in system using two compressor horse power or over. Water cooled systems having two (2) or more compressor horsepower, or equivalent cooling capacity, shall be equipped with an approved water conservation device so that water from city mains shall be used for make-up or flushing purposes only.

(b) Efficiency of water conservation device. The water conservation device required herein for systems of two (2) or more horsepower capacity shall be of such efficiency that it will operate with not over fifteen (15) gallons of city water per hour per ton of refrigeration. The water level control on the tank or reservoir shall be so adjusted as to prevent waste of water through the overflow.

(c) Construction of make-up device. The make-up water connection required herein shall be so arranged that the supply has a physical break between the city water lines and the device whereby it is impossible for water to siphon back into the water lines in case of low pressure.

(d) Systems using under two (2) compressor horsepower. All water cooled systems using under two (2) compressor horsepower or equivalent cooling capacity shall be equipped with an approved automatic water regulating device, so adjusted as to limit the use of city water to not more than sixty (60) gallons per hour per ton of refrigeration.

(e) Effect upon co-users. In no case shall any system adversely affect the flow of water to other users in the area.

(f) Discharge of water; method. The discharge of water from the air-conditioning system shall be as directed by the building official.

(Ord. No. 846, Sections 6--6.6; Code 1956, Sec. 43-6--6.6)

(6) **Inspection of systems.** The building official shall cause all systems regulated herein to be inspected from time to time for compliance with this section.

(Ord. No. 846, Sec. 7; Code 1956, Sec. 43-7)

(7) **Noncompliance; permit holder to correct condition.** In case of noncompliance with this section the building official shall notify the permit holder to correct the condition within ten (10) days.

(Ord. No. 846, Sec. 7.1; Code 1956, Sec. 43-7.1)

(8) **Revocation of permit; extension of time to correct condition.** In the event of failure, or upon the refusal of the permit holder to comply as ordered, the building official shall, after notice and reasonable opportunity for hearing, revoke the permit; provided, however, that upon a showing of hardship or other circumstances warranting the action, the building official shall have the authority to grant an extension of time to comply with the provisions of this section and shall render a written report thereon to the city manager.

(Ord. No. 846, Sec. 7.2; Code 1956, Sec. 43-7.2)

(9) **Appeals.** Whenever the building official shall reject any plan or specification submitted hereunder and issue an order requiring compliance or revoking a permit, the person aggrieved shall have the right to appeal to a board composed of the water superintendent, city engineer and other qualified persons, and, if still aggrieved by the decision of this board, shall then have the right to appeal to the city council. The decision of the city council with respect to the appeal shall be final.

(Ord. No. 846, Sec. 7.3; Code 1956, Sec. 43-7.3; Ord. No. 3199, Sec. 1, 9-24-92)

DIVISION III
SEWERS

Sec. 28.301. SEWER RATE POLICY.

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare, and convenience of the City of Ames to collect charges from all users who contribute wastewater to the City's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining, and retiring the debt for such public wastewater treatment works.

(Ord. No. 2924, Sec. 1, 5-28-85; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3209, Sec. 1, 12-8-92)

Sec. 28.302. DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

(1) **'CBOD₅'** (denoting 5-day Carbonaceous Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter (mg/L).

(2) **'NH₃' or 'NH₃-N'** (denoting Ammonia) shall mean that portion of nitrogen in the form of ammonia which is determined by standard laboratory procedure for analysis of ammonia nitrogen, expressed in milligrams per liter (mg/L).

(3) **'TKN'** (denoting Total Kjeldahl Nitrogen) shall mean that portion of nitrogen which is the sum of ammonia and organic nitrogen in the form of proteins or intermediate decomposition products as determined by standard laboratory procedures for Total Kjeldahl Nitrogen, expressed in milligrams per liter (mg/L).

(4) **'COD'** (denoting Chemical Oxygen Demand) shall mean the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant as determined by standard laboratory procedures for COD, expressed in milligrams per liter (mg/L).

(5) **'Normal Domestic Wastewater'** shall mean, for the purposes of surcharge program implementation, wastewater that has constituent concentrations at or below the values shown in the following table, expressed in milligrams per liter (mg/L).

<u>Constituent</u>	<u>Concentration,mg/L</u>
Oxygen Demand	
CBOD ₅	250
COD	550
Nitrogen	
NH ₃ -N	30
TKN	45
Solids	
TSS	300

(Ord. No. 3919, 06-12-07)

(6) **'Operation and Maintenance'** shall mean those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and for which such works were designed and constructed. The term 'operation and maintenance' includes replacement as defined in (8).

(7) **'POTW'** shall mean publicly-owned treatment works.

(8) **'Replacement'** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

(9) **'Residential User'** shall mean any contributor to the City's treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

(10) **'Shall'** is mandatory; **'May'** is permissive.

(11) **'TSS'** (denoting Total Suspended Solids) shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering, as expressed in milligrams per liter (mg/L).

(12) **'Composite Sample'** shall mean a time-based or flow-proportional sample (as determined by the Water and Pollution Control Department staff) that is representative of a user's typical work day discharge during a 24-hour period.

(13) **'Biosolids'** shall mean treated and stabilized solids, semi-solid, or liquid residue generated during the treatment of domestic wastewater at the POTW.

(14) **'Treatment Works'** shall mean any devices and systems for the collection, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting biosolids, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste.

(15) **'Useful Life'** shall mean the estimated period during which a treatment works will be operated.

(16) **'User Charge'** shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of a designated part of the wastewater treatment works.

(17) **'Water Meter'** shall mean a water volume measuring and recording device.

(Ord. No. 2924, Sec. 1, 5-28-85; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3209, Sec. 1, 12-8-92; Ord. No. 3526, 6-22-99)

Sec. 28.303. USE OF RATE REVENUE.

The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance, including replacement, and costs associated with debt retirement of bonded capital associated with financing the treatment works which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance, including replacement of the treatment works, shall be established by this ordinance.

That portion of the total user charge collected which is designated for operation and maintenance, including replacement, shall be deposited in a separate non-lapsing fund known as the WPC Operation, Maintenance and Replacement Fund.

Fiscal year-end balances in the operation, maintenance, and replacement fund shall be used for no other purposes than those designated. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance, and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance, and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within six months of the fiscal year in which the monies were borrowed.

(Ord. No. 2924, Sec. 1, 5-28-85; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3209, Sec. 1, 12-8-92)

Sec. 28.304. SEWER RATES ESTABLISHED.

(1) Each user shall pay for the services provided by the City based on his use of the treatment works as determined by water meter readings or other appropriate methods acceptable to the City.

(2) For all users, monthly user charges shall be based on actual water usage, except where a practical method of wastewater measurement is available. If a user has a consumptive use of water, or in some other manner uses water which is not discharged into the wastewater collection system, the user charge for that contributor may be based on readings of a wastewater meter(s) or separate water meter(s) installed and maintained at the user's expense and in a manner acceptable to the City.

(3) For each monthly billing on or after July 1, 2008, each customer shall be charged a minimum monthly charge. The minimum charge for each location shall be seven dollars and fifteen cents (\$7.15). The minimum monthly charge may be prorated, based on a 30-day billing period, for the customer's initial and/or final bills, provided that in no case shall the prorated minimum monthly charge be less than two dollars and seventy-five cents (\$2.75). In addition, for all water metered beginning with the first cubic foot each month, each user shall pay one dollar and eighty-three cents (\$1.83) per 100 cubic feet.

(Ord. No. 3168, Sec. 1, 4-28-92; Ord. No. 3326, Sec. 2, 5-9-95; Ord. No. 3834, 5-24-05; Ord. No. 3956, 06-10-08; Ord. No. 4037, 5-11-10)

(4) For those users whose wastewater has a greater strength than maximum normal domestic wastewater, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance, including replacement is listed in Appendix Q.

(Ord. No. 3526, 6-22-99; Ord. No. 3919, 06-12-07)

(5) (a) The City shall determine which users have wastewater discharges with strengths greater than maximum normal domestic wastewater. All costs associated with surcharge sampling or evaluation will be assessed to the user. Based upon this initial determination, the City shall notify the user of the surcharge rate to be charged each month during the next six months or until the next time the surcharge rate is calculated.

(b) Any user so identified by the City shall provide for the analysis of at least three successive composite samples for each discharge point. The samples shall be analyzed for pH, COD (or CBOD₅), TSS, and TKN (or NH₃). The user may request that the city laboratory staff provide this service at cost. Samples taken for facilities with less than two years of historical data containing surcharge parameter analyses must be collected in as close a time frame as possible. Samples collected for other purposes, containing the required information, may be used. When requested by the user, on a case-by-case basis, the City may allow the use of a single composite sample for the purpose of determining a monthly surcharge rate.

(c) Any user may have more samples analyzed than required. The additional data may be used to modify or revise the surcharge rate as appropriate; however, the surcharge rate will not be revised more frequently than once every six months unless significant process changes have occurred. All costs for the additional sampling shall be the responsibility of the user.

(d) All sample collection and analytical work shall be done by competent individuals or firms regularly involved in wastewater collection and analysis. All samples and analyses shall comply with the procedures specified in 40 Code of Federal Regulations (hereinafter referred to as CFR) 136. Any data sets which do not meet this requirement shall be rejected.

(Ord. No. 3526, 6-22-99)

(6) Any user who discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the biosolids from the City's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment work, shall pay for such increased costs. The charge to each such user shall be as determined by the Director of the Water and Pollution Control Department.

(Ord. No. 3526, 6-22-99)

(7) The City will review the user charge system at least every three years and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users.

The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance including replacement of the treatment works.

(Ord. No. 3526, 6-22-99)

(8) (a) Where a customer wishes to use water for watering a lawn or garden, filling a swimming pool, or for existing single-pass air conditioning or other such use and that water does not reach the sanitary sewer system, the customer may at his option apply for and have installed a 'yard meter'.

(b) A 'yard meter' is defined as a second water meter or sub-meter on the premises installed downstream of the first or master water meter. It will be so placed as to meter outdoor water use described above which does not reach the sanitary sewer system. The 'yard meter' shall have a remote reading register outdoors as required for the master water meter.

(c) The full cost of the 'yard meter' and any associated plumbing changes shall be the responsibility of the customer. The 'yard meter' shall be furnished and owned by the City and so located as to be easily accessible at all times. Maintenance and replacement of the 'yard meter' shall be governed by the same requirements applying to all other water meters owned by the City.

(d) The sewer service charge will be billed only on the difference between the two water meter reading and the yard meter reading.

(Ord. No. 3326, Sec. 2, 5-9-95)

(9) Where a "yard meter" is not installed, but it appears in any month that more than two thousand (2,000) cubic feet of water was used in a way that the water did not reach the sanitary sewer, that amount of water shall be exempt from the sewer rate on application to the City Manager or the City Manager's designee. The total

exemption allowed under this provision shall be granted over no more than two consecutive billing periods.
(Ord. No. 3950, 05-13-08; Ord. No. 4003, 08-11-09)

(10) The user charge ordinance shall take precedence over any terms or conditions of agreements of contracts which are inconsistent with the requirements of Section 204(b)(1)(A) of the Federal Water/Pollution Control Act and 40 CFR Part 35 dated February 17, 1984.

(Ord. No. 2714, Sec. 2, 4-24-79; Ord. No. 2894, Sec. 1, 5-26-84; Ord. No. 2924, Sec. 1, 5-28-85; Ord. No. 3013, Sec. 1, 6-14-88; Ord. No. 3049, Sec. 1, 5-23-89; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3209, Sec. 1, 12-8-92, Ord. No. 3648, 2-12-02)

Sec. 28.305. SEWER SERVICE, CONNECTION CHARGE.

There is established hereby, as a fee for connection to the sanitary sewer main, such charge as the City Council shall by resolution set for the property served by and adjacent to the main, provided that no sanitary sewer utility special assessment has been made previously with respect to said adjacent property and the sanitary sewer was financed with funds of the city.

(Ord. No. 2928, Sec. 1, 7-2-85; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3204, Sec. 1, 12-8-92; Ord. No. 3209, Sec. 1, 12-8-92; Ord. No. 3565, 5-23-00)

Sec. 28.306. GENERAL PROHIBITIONS FOR WASTE DISPOSAL IN THE SEWER.

No utility customer shall place, throw, dump, empty or deposit into the municipal sewerage system any of the following:

(1) Any liquid, solid or gases which may cause fire or explosion either alone or in combination with other substances, or any wastestreams with a closed cup flashpoint of less than 140°F using the methods in 40 CFR 261.21.

(2) Solid or viscous substances which may cause obstruction to the flow in the sewer or other interference with the operation of the treatment facility;

(3) Any wastewater which has a pH less than 6.0 or higher than 10;

(4) Any wastewater containing anything in liquid, solid or vapor form, in sufficient quantity, either singly or in combination, to inhibit or interfere with any wastewater treatment or biosolids disposal process, constitute a hazard to humans or animals, create toxic gases, vapors or fumes that may cause acute worker health and/or safety problems, create a toxic effect in the receiving stream, or by "pass through" exceed any standard set by the Iowa Department of Natural Resources or the U.S. Environmental Protection Agency.

(Ord. No. 3526, 6-22-99)

(5) Any substance which either singly or in combination is sufficient to create a public nuisance or hazard to life or interferes with the possible reclamation or reuse of the wastewater or biosolids.

(Ord. No. 3526, 6-22-99)

(6) Any trucked or hauled pollutants, except at discharge points designated by the city when delivered by licensed haulers.

(7) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(8) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW exceeds 40°C (104°F).

(9) Any pollutant, including oxygen demanding pollutants (BOD, etc) released in a discharge at a flow rate and/or concentration which will cause interference with the POTW.

(10) Any wastewater which the Director of the Water and Pollution Control Department determines to be unacceptable based on a case-by-case analysis.

Any violation of this section is a municipal infraction.

(Ord. No. 3003, Sec. 38, 2-23-88; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3209, Sec. 1, 12-8-92)

Sec. 28.307. INDUSTRIAL PRETREATMENT REQUIREMENTS.

All discharges of wastewater, gases, or solids which are not similar to domestic sewage shall meet the following pretreatment requirements.

(1) City of Ames Non-Domestic Waste Pretreatment Program as adopted and amended from time to time by city council resolution.

(2) This section adopts by reference the following sections of the General Pretreatment Regulations for Existing and New Sources of Pollution promulgated by the United States Environmental Protection Agency, 40 Code

of Federal Regulations, Chapter I, Part 403 as published through July 1, 1989 as amended on October 17, 1989 and July 24, 1990 as the City's pretreatment regulations. These sections included 403.2, 403.3, 403.4, 403.5, 403.6, 403.7, 403.8, 403.12, 403.15, 403.16 and 403.17.

(Ord. No. 2857, Sec. 1, 8-30-83)

(a) This section adopts by reference the categorical pretreatment standards set out in 40 CFR 405-471.

(b) This section adopts by reference the testing procedures for wastewater analysis set out in 40 CFR 136.

(c) This section adopts by reference sections 307(b) and (c) and 402(b)(8) of the Federal Water/Pollution Control Act as amended through July 1, 1990.

(3) Any industrial, commercial or other utility customer which discharges any wastewater, industrial waste or other waste to the municipal sanitary sewer system shall comply with all regulations or requirements of the Iowa Department of Natural Resources and/or the U.S. Environmental Protection Agency. Where regulations have not been set by those agencies, the Director of Water and Pollution Control shall establish pretreatment requirements to obtain the following objectives:

(a) To prevent the introduction of pollutants which will interfere with the treatment plant operation or contaminate the resulting biosolids;

(b) To prevent the introduction of pollutants which will pass through the system, inadequately treated, into the receiving waters or the atmosphere or otherwise be incompatible with the system; and

(c) To improve the opportunity to recycle and reclaim wastewaters and biosolids from the system.
(Ord. No. 3526, 6-22-99)

(4) Any costs for pretreatment flow measuring, or monitoring facilities or analytical systems or tests to meet the pretreatment regulations shall be the responsibility of the customer.

(5) Any cost to the city including increased operation or maintenance expenditures or fines levied by the State or Federal agencies which result from the discharge from any utility customer shall be assessed to that customer. In the event more than one utility customer is responsible, the cost shall be prorated among those responsible.

(6) No utility customer may expand their process or operation if that expansion results in a discharge which exceeds any limitation established for their discharge or results in the discharge of some other substance which will violate any provision of the pretreatment regulations unless their plans for expansion are approved by the Director of Water and Pollution Control at least 6 months prior to the planned expansion.

(7) All users who are significant or minor non-domestic waste contributors as defined in the revised Ames Non-Domestic Waste Pretreatment Program shall have obtained a permit from the city pursuant to said program before discharging non-domestic wastewaters. Any contributor now discharging pursuant to a contract shall be issued a permit within six (6) months of approval of the revised Ames Non-Domestic Waste Pretreatment Program.

(8) Failure to meet the standards and requirements of this section or of section 28.306 shall be a municipal infraction punishable by a penalty of up to \$1,000 for the first and each subsequent violation. Each occurrence of prohibited discharge is a violation. The Director of the Water and Pollution Control Department shall be the City Manager's designee to administer and enforce the provisions of Sec. 28.306 and 28.307, which shall include the authority to conduct related inspections, surveillance and monitoring; and to terminate city sewer service for non-compliance with the City Code.

(Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3209, Sec. 1, 12-8-92; Ord. No. 3526, 6-22-99)

DIVISION IV
UTILITY RETIREMENT SYSTEM

Sec. 28.401. UTILITY RETIREMENT SYSTEM ESTABLISHED.

There shall be and is hereby established a retirement system which shall be known as the Ames Municipal Utility Retirement System.

(Ord. No. 3199, Sec. 1, 9-24-92)

Sec. 28.402. PLAN AND RULES, UTILITY RETIREMENT SYSTEM.

(1) The Ames Municipal Utility Retirement System shall cease to be a defined benefit system as of 12:01 A.M. September 30, 1997 and shall become a defined contribution plan as of 12:01 A.M. September 30, 1997, the defined contribution plan to be as stated in such plan, rules, and trust agreement as the City Council shall approve, adopt, amend, or replace by resolution from time to time.

(2) The assets of the discontinued defined benefit system shall be allocated and distributed in accordance with such resolution as shall be enacted for that purpose by the Ames City Council.

(Ord. No. 2321, Sec. 2, 12-2-69; Ord. No. 2446, Sec. 1, 6-26-73; Ord. No. 2487, Sections 1, 2, 9-17-74; Ord. No. 2494, Sec. 2, 12-17-74; Ord. No. 2546, Sec. 2, 5-18-76; Ord. No. 2765, Sec. 1, 12-16-80; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3327, Sec. 1, 6-13-95; Ord. No. 3458, Sec. 2, 8-26-97)

Sec. 28.403. PARTICIPANT REVIEW BOARD.

(1) There is hereby established an eleven member board to monitor, review, and evaluate on a continuing basis, the performance of the Ames Municipal Utility Retirement Plan, which Board shall make a written report of its findings and recommendations to the City Council not less often than once each fiscal year.

(2) The board shall be selected as follows:

- (a) one elected from among participants employed for the city water utility;
- (b) one elected from among participants employed as water pollution control employees;
- (c) one elected from among participants employed as electric distribution work center employees;
- (d) one elected from among participants employed for the power plant;
- (e) one elected from among participants employed for electric administration (which shall include the City Clerk, City Manager, inspection personnel and other non-finance administrative personnel that are participants in the plan);
- (f) one elected from among participants employed for the City Finance department;
- (g) one elected from among participants who are retirees
- (h) the Director of Finance for the City; and
- (i) City Treasurer;

(Ord. No. 3661, 4-23-02; Ord. No. 3897, 12-12-06)

(3) The term of office for the elected members of the board shall be three years. The term for the council members shall be four years. Members may be reappointed or re-elected. Terms of office begin and end on the first day of April. Special elections will be held as soon as practicable to fill vacancies in elected positions.

(4) The board shall establish its own rules with respect to voting and other meeting procedures consistent with the Iowa Open Meetings Law.

(Ord. No. 2321, Sec. 2, 12-2-69; Ord. No. 2446, Sec. 1, 6-26-73; Ord. No. 2494, Sec. 2, 12-17-74; Ord. No. 3102, Sec. 1, 10-23-90; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3458, Sec. 2, 8-26-97; Ord. No. 3563, 5-9-00)

DIVISION V
UTILITIES GENERALLY

Sec. 28.501. UNAUTHORIZED ALTERATION OF LINES AND METERS, BYPASSING.

(1) It is unlawful for any person to interfere with, tamper with, alter or bypass any electric, water or gas meter installed for any utility in the city; or interfere with, tamper with or alter any lines, pipes or conduits installed by any utility in the City, without the express or implied authorization of such utility.

(Ord. No. 812, Sec. 58; Code 1956, Sec. 76-58; Ord. No. 3003, Sec. 39, 2-23-88; Ord. No. 3199, Sec. 1, 9-24-92)

(2) For rural water accounts, no person shall interfere with, tamper with, alter, or bypass any water meters, lines, pipes, or conduits installed or owned by the City of Ames outside of the Ames corporate limits without express authorization of the City. No change, modification, replacement, or other alteration shall occur to the service line from the main through the outlet of the backflow prevention device without the express approval of the City.

(Ord. No. 4010, 09-22-09)

Sec. 28.502. RESODDING.

(1) Any municipal or public utility excavating across a grassed, sodded or turfed street parking, or an established lawn, or through or across a grassed, sodded or turfed area of a public or private park shall resod rather than reseed the disturbed area.

(Ord. No. 2305, Sec. 1, 9-2-69; Ord. No. 2679, Sec. 1, 9-26-78; Ord. No. 3199, Sec. 1, 9-24-92)

(2) A property owner excavating or causing excavation in the lawn or the parking of a neighboring residence in a developed residential area, for the purpose of installing or repairing a utility line within a public easement, shall resod the disturbed area.

(Ord. No. 2396, Sec. 1, 4-18-72; Ord. No. 3199, Sec. 1, 9-24-92)

(3) Upon complaint of failure of the responsible party to resod a disturbed area as required herein, and after ten days notice and opportunity for hearing before the city manager, the city shall do the resodding and assess the costs to the responsible party.

(Ord. No. 2955, Sec. 1, 6-3-86; Ord. No. 3199, Sec. 1, 9-24-92)

Sec. 28.503. MUNICIPAL UTILITY SERVICE CONNECTIONS OUTSIDE CITY.

(1) No person shall make an initial service connection to any municipal utility for any building or property outside the corporate limits of the city without the express written authorization of the Ames City Manager.

(2) The city manager shall authorize such connections only in accordance with the laws of the State of Iowa and the regulations of the Iowa Commerce Commission. The city manager may require any reasonable special condition for such connection deemed necessary to insure compliance with the policies, procedures and development plans of the municipal utilities.

(3) No initial sewer service connections shall be allowed into the Skunk River Valley Interceptor, trunk sewers or Site 5 treatment plant from structures located in the flood plain of the Skunk River south of U.S. Highway 30.

(Ord. No. 2955, Sec. 1, 6-3-86; Ord. No. 3199, Sec. 1, 9-24-92)

(a) For properties outside the corporate limits where the City has previously denied a rural water association or district the right to serve the property, the City will provide service within four years of the rural water denial in accordance with Iowa Code § 357A.2 and § 364.4

(Ord. No. 4010, 09-22-09)

Sec. 28.504. METER MAINTENANCE, METER READING, AND ESTIMATED BILLING.

(1) Access to any water meter, yard meter, or wastewater flow measuring device for maintenance, repair, replacement, or testing is essential to ensure accuracy and reliability of the metering device so that bills and charges are properly determined. When requested by the Water and Pollution Control Department, each customer shall arrange for access to the metering device(s) at their location within four (4) months from the date of the city's first request.

(2) Reading of all water meters, yard meters, wastewater flow measuring devices, or remote registering devices used for determining charges to customers shall be scheduled by the City on a monthly basis. An effort shall

be made by the City to obtain use data/readings on corresponding days each month. In the event access to the metering device(s) cannot be achieved, the City shall render a monthly bill based on the City's estimate of usage. However, each customer shall allow for or arrange access to the metering device(s) at their location at least once every four (4) months. The City may allow the customer to read and report use data from metering devices(s) at their location. Customers desiring to read their own meters should contact the Utility Customer Service office. A packet of three (3) cards may be obtained. These cards will be predated to correspond to monthly billing dates and shall be submitted monthly at the customer's own expense. Prior to providing each three (3) card packet to any customer, city personnel shall be allowed into the premises to obtain readings for all metering devices.

(3) Failure to arrange for and/or allow access, as described above, shall be cause for termination of service following notice and opportunity for a hearing of the city manager.
(*Ord. No. 3326, Sec. 3, 5-9-95*)

DIVISION VI
WATER RATIONING

Sec. 28.601. WATER SHORTAGES.

From time to time, circumstances may cause the ability of the Ames Municipal Water Utility to supply water to become so diminished that there will not then be a sufficient supply of potable processed water to meet all customary and usual demand indefinitely. Under those conditions the City Council may find, and declare by resolution, the existence of a public water shortage emergency. During such emergency, the City Council shall establish, by resolution, one or more of the water rationing stages described in Sections 28.602 through 28.605. The emergency water rationing measures shall apply to all customers of the Ames Municipal Water Utility.
(*Ord. No. 2777, Sec. 1, 7-21-81; Ord. No. 3199, Sec. 1, 9-24-92, Ord. No. 3620, 6-26-01; Ord. No. 4010, 09-22-09*)

Sec. 28.602. Reserved

Sec. 28.603. STAGE I: MINOR MANDATORY CONSERVATION.

When the Stage I: Minor Mandatory Conservation water rationing stage has been established, the following mandatory restrictions on the use of potable processed water shall be in effect:

(1) No Ames Water Utility customer or other person shall cause or permit any use of potable processed water in such a manner or quantity that results in such water ponding or running into ditches, gutters, storm sewer inlets and surface water drains. This prohibition includes, but is not limited to, ponding or runoff resulting from the watering of lawns, trees, shrubs, gardens and bedding plants and from washing or hosing down sidewalks, driveways, parking areas and streets, but does not apply to municipal street sweeping equipment.

(2) The use of potable processed water to wash vehicles is prohibited except at establishments that do so as a commercial activity. This prohibition includes "fundraising" car washes conducted for non-profit purposes unless such car washes occur at a commercial car wash establishment.

(3) The outdoor vegetation at each water customer service location shall not be irrigated with potable processed water except such watering may occur on even numbered days of the month at those premises that have a street address that ends in an even digit, and, such watering may occur on odd numbered days of the month at those premises that have a street address that ends in an odd digit.

(4) The provisions of subsection (3) above shall not apply with respect to a newly seeded or newly sodded lawn for the first ten days following the seeding or installation of sod, if the person in control of such premises has applied for and obtained from the City Department of Water and Pollution Control, a New Lawn Exemption Certification Placard, and caused that placard to be displayed on the site of such new lawn in such manner that the said placard is clearly and easily visible from a public street. During the ten-day exemption, watering is allowed for up to 8 hours per 24 hour period.

(5) The aforesaid restrictions shall not apply with respect to use of reclaimed water or water that is not processed potable water.
(*Ord. No. 3927, 10-01-07*)

Sec. 28.604. STAGE II: MODERATE MANDATORY RATIONING.

When the Stage II: Moderate Mandatory Rationing water rationing stage has been established, the following mandatory restrictions on the use of potable processed water shall be in effect:

- (1) All restrictions stated for the Stage I: Minor Mandatory Conservation water rationing stage shall be in effect when the Stage II; Moderate Mandatory Rationing water rationing stage has been established, plus the additional restrictions stated in this section.
- (2) The use of potable processed water to wash vehicles is prohibited except at establishments that do so as a commercial activity and utilize water conservation equipment such as water recycle/reuse systems and/or low consumption nozzles.
- (3) Outdoor vegetation shall not be irrigated with potable processed water except that such watering may be done once every five days in accordance with the following schedule:

Last Digit of Service Address	Day of Month Allowed to Water
0 or 5	5th, 10th, 15th, 20th, 25th, 30th
1 or 6	1st, 6th, 11th, 16th, 21st, 26th
2 or 7	2nd, 7th, 12th, 17th, 22nd, 27th
3 or 8	3rd, 8th, 13th, 18th, 23rd, 28th
4 or 9	4th, 9th, 14th, 19th, 24th, 29th

Irrigation rates shall not exceed one inch per day. Watering that results in water ponding or running off into ditches, gutters, storm sewer inlets and outdoor drains is prohibited. Outdoor watering shall not be done except between the hours of 6:00 a.m. to 9:00 a.m., and 7:00 p.m. to 10:00 p.m.

(4) With respect to newly seeded or newly sodded lawns for which a New Lawn Exemption Certification Placard has been obtained and displayed, in accordance with the procedure stated in Subsection 28.603(4), the lawn may be irrigated for as much as eight hours out of the first twenty-four hours after seeding or installation of sod. After that time, for the next nine consecutive days, watering of the lawn may be done between 5:30 a.m. to 9:30 a.m. and between 7:00 p.m. to 10:00 p.m. with daily applications of water not to exceed one inch. After that the once-every -five-days restriction of subsection (3) above shall also apply to newly seeded and newly sodded lawns.

(5) Potable processed water shall not be introduced into any outdoor pool or fountain except swimming pools owned by the City, the State of Iowa, or the United States of America.

(6) The use of hydrant meters for watering new seed or sod, dust control, settling backfill, or other construction purposes is prohibited. Hydrant meters in place will be removed by the City Water Meter division staff. Exceptions to this prohibition will be made on a case by case basis by appealing to the City Manager and will be granted for essential life, health and safety purposes only.

(7) The aforesaid restrictions shall not apply with respect to use of reclaimed water or water that is not processed potable water.

(8) For each water utility service location within the Ames corporate limits, the water utility customer shall pay a surcharge rate of \$0.075 per cubic foot (approximately 1¢ per gallon) of water metered to the location during a billing cycle that is in excess of 1.5 times the average amount of water that was metered to the location during the billing cycles corresponding to the previous December, January, and February.

(9) Rural Customer surcharge rates. When the City Council has declared a water emergency and instituted moderate mandatory rationing, rural customers shall pay a surcharge rate that is 1.15 times the rate established under Section 28.604(8) for customers in the city limits.

(Ord. No. 3927, 10-01-07; Ord. No. 4010, 09-22-09)

Sec. 28.605. STAGE III: SEVERE MANDATORY RATIONING.

When the Stage III: Severe Mandatory Rationing water rationing stage has been established, the following mandatory restrictions on the use of potable processed water shall be in effect:

(1) All restrictions stated for the Stage I: Minor Mandatory Conservation water rationing stage and the Stage II: Moderate Mandatory Rationing water rationing stage (except the surcharge rate) shall be in effect when the Stage III: Severe Mandatory Rationing water rationing stage has been established, plus the additional restrictions stated in this section.

(2) The use of potable processed water to wash any vehicle is prohibited, including vehicle washing as a commercial activity.

(3) Outdoor vegetation shall not be irrigated with potable processed water except that:

(a) Trees and shrubs that are less than four years old and planted before the establishment of the Stage IV: Severe Mandatory Rationing water rationing stage and seeding or sodding that is less than one year old and done before the establishment of the said Stage IV: Severe Mandatory Rationing water rationing stage may be watered once per week with the total weekly application not to exceed one inch. Watering of any outdoor vegetation planted after the date of establishment of the Stage IV: Severe Mandatory Rationing water rationing stage is prohibited.

(b) Outdoor flower and vegetable gardens may be watered once per week, provided that drip irrigation or soaker hoses are used and the application rate does not exceed one inch per week.

(4) For each water utility service location within the Ames corporate limits, the water utility customer shall pay a surcharge of \$0.225 per cubic foot (approximately 3¢ per gallon) of water metered to the location during a billing cycle that is in excess of 1.1 times the average amount of water that was metered to the location during the billing cycles corresponding to the previous December, January, and February.

(5) Rural Customer surcharge rates. When the City Council has declared a water emergency and instituted severe mandatory rationing, rural customers shall pay a surcharge rate that is 1.15 times the rate established under Section 28.605(4) for customers in the city limits.

(Ord. No. 3927, 10-01-07; Ord. No. 4010, 09-22-09).

Sec. 28.606. APPEAL AND ADJUSTMENT OF THE BASE ALLOCATION.

Any water utility customer may make an appeal, in writing, to the City Manager for an increase in the Base Allocation. Base Allocation is the amount of water that can be consumed before an established surcharge goes into effect. The City Manager may grant an increase in the Base Allocation based on the following criteria:

(1) For a single family residential occupancy the Base Allocation shall be increased as needed to provide 200 cubic feet per billing cycle for each person residing at the premises and who has resided at the premises for not less than thirty consecutive days and who will continue to reside at the premises for an additional period of thirty days.

(2) For any and all occupancies, the Base Allocation may be increased to the extent reasonably deemed necessary to meet life, health and safety needs pertaining to the use and occupancy of the premises.

(Ord. No. 2777, Sec. 1, 7-21-81; Ord. No. 3199, Sec. 1, 9-24-92, Ord. No. 3620, 6-26-01)

Sec. 28.607. APPEAL OF THE SURCHARGE.

Any water utility customer may make an appeal, in writing, to the City Manager for a reduction in the amount of the surcharge. The City Manager may grant a reduction in the amount of an established surcharge for any water utility customer based on the following criteria.

(1) A substantial part of the consumption in excess of the Base Allocation is attributable to mechanical defects such as broken or leaking pipes or plumbing fixtures. Carelessness by the customer shall not be grounds for a reduction in the amount of a surcharge. The customer must provide evidence that the mechanical defect has been repaired. Such evidence includes an invoice from a licensed plumber or a receipt for purchased plumbing materials.

(2) The reduction in the surcharge shall be only for the billing cycle period prior to or including the date of correction of the mechanical defect.

(3) Appeals for reduction of a surcharge shall not be considered for amounts less than \$5.00.

(Ord. No. 3620, 6-26-01)

Sec. 28.608. REDUCTION OR TERMINATION OF SERVICE.

The City Manager is authorized, after giving notice and opportunity for hearing, to reduce or terminate the flow of potable processed water to any customer who has received three or more notices of violation of the provision of either Sec. 28.603, 28.604, or 28.605, of the Ames Municipal Code.

(Ord. No. 2777, Sec. 1, 7-21-81; Ord. No. 3199, Sec. 1, 9-24-92, Ord. No. 3620, 6-26-01)

Sec. 28.609. PENALTIES.

(1) Any person who, in making application to the City Manager for an increase in the Base Allocation, or a decrease in a surcharge, a New Lawn Exemption Certification Placard, or otherwise provides information to the City with respect to Sections 28.603 - 28.607 that is intentionally false or incorrect shall automatically have their request, application or appeal denied. Additionally, such person shall be guilty of a municipal infraction punishable by a penalty of \$75.00 for a person's first violation and a penalty of \$150.00 for each repeat violation.

(2) Violation of any provision or prohibition of Sections 28.603 through and including 28.605 shall be a municipal infraction punishable by a penalty of \$75.00 for a person's first violation thereof, and a penalty of \$100.00 for each repeat violation.

(Ord. No. 2777, Sec. 1, 7-21-81; Ord. No. 3199, Sec. 1, 9-24-92, Ord. No. 3620, 6-26-01)

**DIVISION VII
ELECTRIC UTILITY OPERATIONS REVIEW
AND ADVISORY BOARD**

Sec. 28.701. ELECTRIC UTILITY OPERATIONS REVIEW AND ADVISORY BOARD ESTABLISHED.

(1) There is hereby established the Electric Utility Operations Review Advisory Board to be composed of five (5) persons each who are Ames residents, who are customers of the Ames Municipal Electric, and who are qualified by demonstrated expertise or experience in generation, distribution, finance or marketing of electrical energy, for the purpose of investigating and reviewing, on a continuing basis, all aspects of the operations of the Ames Municipal Electric Utility, including any and all practices, plans or proposals pertaining to generation, distribution and marketing, finance, and accounting so as to provide advice and proposals to the City Council on matters as aforesaid at such times and in such frequency as the Board deems appropriate, or in response to requests from the City Council.

(2) The city staff shall provide services or information as the Board shall require by notice to the City Manager.

(3) Board members shall be appointed by the Mayor with the approval of the City Council. The term of office shall be three (3) years, beginning April 1 of the fiscal year of appointment. Vacancies shall be filled for any unexpired term in the same manner as original appointments. No member who has served two (2) full consecutive terms is eligible for reappointment.

(Ord. No. 3476, Sec. 1, 3-12-98)

(4) The Board shall elect its presiding officer.

(Ord. No. 2790, Sec. 1, 11-10-81; Ord. No. 2806, Sec. 1, 12-23-81; Ord. No. 3807, Sec. 1, 1-5-82; Ord. No. 2954, Sec. 1, 5-27-86; Ord. No. 2957, Sec. 1, 7-1-86; Ord. No. 3199, Sec. 1, 9-24-92)

**DIVISION VIII
STORM WATER DRAINAGE SYSTEM**

Sec. 28.801. STORM WATER DRAINAGE SYSTEM DISTRICT.

It is found and determined to be necessary and conducive to the protection of the public health, safety, welfare and convenience that all of the City of Ames, Iowa, shall be and is hereby declared to be a storm water system district within the meaning and intent of, and for the purpose authorized by, Section 384.84(1) Code of Iowa; that is, to establish and collect rates for a storm water drainage system.

(Ord. No. 3265, Sec. 1, 3-8-94)

SEC. 28.802. RATES ESTABLISHED.

The rate charged for the storm water drainage system provided to customers of City utility services to be billed on or after July 1, 2009, is as follows: each utility account which is billed for one or more City utility services, a monthly rate of three dollars (\$3.00) shall be charged, paid and collected as a rate for a storm water drainage system.

(Ord. No. 3265, Sec. 1, 3-8-94; Ord. No. 3434, Sec. 1, 5-27-97; Ord. No. 3564, Sec. 1, 5-23-00; Ord. No. 3833, 5-24-05; Ord. No. 3917, 06-12-07; Ord. No. 3989, 05-12-09)

SEC. 28.803. USE OF FUND.

The money paid and collected pursuant to Sec. 28.802 shall be held by the city in a special fund to be expended only for the purpose of constructing, operating, repairing and maintaining all kinds of conduits, drains, storm water detention devices, flow impediments, ponds, ditches, sloughs, streams, filter strips, rip-raps, erosion control devices and any and all other things useful to the proper control, management, collection, drainage and disposition of storm water in the City of Ames.

(Ord. No. 3265, Sec. 1, 3-8-94)

Sec. 28.804. DISCHARGE AND CONNECTION TO THE STORM DRAINAGE SYSTEM.

(1) **Purpose.** The purpose of this section is to provide for the health, safety, and general welfare by regulation of non-storm water discharges to the storm drainage system of the city of Ames, Iowa, by establishing methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

(2) **Definitions.** For purpose of this section certain words and phrases are defined as follows:

(a) **Best Management Practices (BMPs):** schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(b) **Clean Water Act.** The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

(c) **Construction Activity.** Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

(d) **Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(e) **Illegal Discharge.** Any direct or indirect non-storm water discharge to the storm drain system, except as permitted by this section.

(f) **Illicit Connections.** An illicit connection is defined as either of the following:

(i) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized employee of this city, or

(ii) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized employee of this city.

(g) **Industrial Activity.** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26(b)(14).

(h) **National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit.** A permit issued by EPA (or by a state under authority delegated pursuant to 33 USC §1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual group, or general area-wide basis.

(i) **Non-Storm Water Discharge.** Any discharge to the storm drain system that is not composed entirely of storm water.

(j) **Person.** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

(k) **Pollutant.** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, obstructions, and

accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(l) **Premises.** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

(m) **Storm Drainage System.** Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(n) **Storm Water.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(o) **Stormwater Pollution Prevention Plan (SWPPP).** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the maximum extent practicable.

(p) **Wastewater.** Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

(3) **Prohibition of Illegal Discharges.** No person shall discharge or cause to be discharged into the city storm drain system or watercourses of the city, any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(a) The following discharges are exempt from discharge prohibitions established by this system: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wet-land flows, swimming pool (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.

(b) Discharges specified in writing by authorized employees of the city as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement employee of the city prior to the time of the test.

(d) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(4) **Prohibition of Illicit Connections.**

(a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(5) **Suspension due to Illicit Discharges in Emergency Situations.** The city employee authorized to enforce this section may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to persons.

(6) **Suspension due to the Detection of Illicit Discharge.** Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The city employee authorized to enforce this section will notify a violator of the proposed termination of its MS4 access. The violator may petition the said authorized employee for a reconsideration and hearing. A person commits an offense

if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the city employee authorized to enforce this section.

(7) **Industrial or Construction Activity Discharges.** Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city employee authorized for enforcement of this section prior to the allowing of discharges to the MS4.

(8) **Monitoring Access.** The city employee authorized to enforce this section shall be permitted to enter and inspect facilities subject to regulation under this section as often as is necessary to determine compliance with this section. If a discharger has security measures that require identification and clearance before entry to its premises, the discharger shall make the necessary arrangements to allow access to the city employee authorized to enforce this section. By way of specification but not limitation:

(a) Facility Operators shall allow the authorized city enforcement employee ready access to all parts of the premises for purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(b) The authorized city enforcement employee shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

(c) The authorized city enforcement employee has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral order of the authorized city enforcement employee and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(e) Unreasonable delays in allowing the authorized city enforcement employee access to a permitted facility is a violation of a storm water discharge permit and of this section. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized city enforcement employee reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

(f) If the authorized city enforcement employee has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized city enforcement employee may seek issuance of a search warrant from any court of competent jurisdiction.

(9) **Use of Best Management Practice.** Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed best management practices. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

(10) **Watercourse Protection.** Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly alter the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(11) Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized city enforcement employee in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the authorized city enforcement employee within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such

establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

(12) Whenever the city's authorized enforcement employee finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (e) Payment of the city's remediation costs; and
- (f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work may be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator, and the costs paid by the violator within the time specified. Failure by a violator to meet a requirement as aforesaid within the time set in the said notice shall constitute a violation of this section.

(13) **Violations as Nuisance.** In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this section is found and declared to be injurious to public health, safety, and welfare, and is declared and deemed a nuisance, and may be abated or restored at the violator's expense and a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken, or to recoup the city's costs incurred for remediation thereof, in accordance with the provisions of Sections 364.12(3) and (4), Code of Iowa, and other laws of the State of Iowa.

(14) **Penalty.** A violation of any provision of this section shall be a municipal infraction punishable by a penalty of \$500 for a person's first violation thereof, and a penalty of \$750 for each repeat violation.

(Ord. No. 3819, 02-22-05)

IX
WATER AND SEWER CONNECTION
FEE DISTRICTS

Sec. 28.901. ONTARIO STREET WATER AND SEWER CONNECTION FEE DISTRICT

(1) There is hereby established pursuant to Sec. 384.38(3) Code of Iowa, 1995, a water and sanitary sewer connection fee district described as follows:

(a) Commencing at the NW ¼ corner of the NE ¼ of Section 6 T83N R24W. Thence south 100' to the north R-O-W of Ontario Street; thence west 507.85' along said north R-O-W; thence north 50' along said north R-O-W; thence west 216.83' along said north R-O-W to the point of beginning; thence west 641.85' along said north R-O-W; thence south 300'; thence east 641.85'; thence north 300' to the point of beginning.

(b) Commencing at the SW ¼ corner of the SE ¼ of Section 31 T84N R24W. Thence north 40' to the north R-O-W of Ontario Street; thence west 724.68' to the point of beginning. Thence west 641.85' along said north R-O-W of Ontario Street; thence north 300'; thence east 641.85'; thence south 300' to the point of beginning.

(2) The fee for connection of a property within the aforesaid district to the water or sewer utility shall be:

(a) The connection fee for water service is \$2,323.20 per acre of property served by the connection.

(b) The connection fee for sanitary sewer service is \$7,115.34 per acre of property served by the connection.

(Ord. No. 3362, Sec. 1, 12-05-95)

Sec. 28.902. EAST LINCOLN WAY WATER AND SEWER CONNECTION DISTRICT.

(1) There is hereby established pursuant to Sec. 384.38(3) Code of Iowa, 1997, a water and sewer connection fee district described as follows:

Beginning at a point 1515' north of the center of Section 12 T83N R23W and running thence north 1065'; thence west 202.2'; thence south 15'; thence west 847.8'; thence southeasterly 1484.92' to the point of beginning.

(2) The fee for connection of a property within the aforesaid district to the water or sewer utility shall be:

(a) The connection for water service is \$823.53 per acre of property served by the connection.

(b) The connection fee for sanitary sewer service is \$1,185.64 per acre of property served by the connection.

(Ord. No. 3517, Sec. 1, 2-23-99)

Sec. 28.903. SOUTHEAST SIXTEENTH STREET WATER AND SEWER CONNECTION DISTRICT.

(1) There is hereby established pursuant to Sec. 384.38(3) Code of Iowa, 1997, a water and sewer connection fee district described as follows:

The north 300' of the south 375' of the West 1,251.5' of the SE ¼ of the SE ¼ of Section 12 T83N R23W

(2) The fee for connection of a property within the aforesaid district to the water or sewer utility shall be:

(a) The connection for water service is \$2,320.42 per acre of property served by the connection.

(b) The connection fee for sanitary sewer service is \$2,900.52 per acre of property served by the connection.

(Ord. No. 3518, Sec. 1, 2-23-99)

Sec. 28.904. ADAMS STREET, PARCEL 1, WATER CONNECTION DISTRICT.

(1) There is hereby established pursuant to Sec. 384.38(3) Code of Iowa, 1999, a water connection fee district described as follows:

Beginning at the southeast corner of the NW ¼ NE ¼ of Section 27, T84N, R24W of the 5th p.m., Story County, Iowa; thence west 421 feet along the north line of Outlot "A" Windsor Oaks Subdivision to the City of Ames, Iowa; thence north 300 feet; thence east 421 feet parallel with and 300 feet distant from said north line of Outlot "A"; thence south 300 feet to the point of beginning. Containing 2.899 acres.

(2) The fee for connection of a property within the aforesaid district to the water utility shall be \$2,964.09 per acre of property served by the connection.

(Ord. No. 3559, 4-25-00)

Sec. 28.905. ADAMS STREET, PARCEL 2, WATER CONNECTION DISTRICT.

(1) There is hereby established pursuant to Sec. 384.38(3) Code of Iowa, 1999, a water connection fee district described as follows:

Beginning at the southwest corner of the NE ¼, NE ¼ of Section 27, T84N, R24W of the 5th p.m., Story County, Iowa; thence east 229 feet along the north right-of-way of Adams Street; thence north 300 feet; thence west 229 feet parallel with and 300 feet distant from said right-of-way line; thence south 300 feet to the point of beginning. Containing 1.577 acres.

(2) The fee for connection of a property within the aforesaid district to the water utility shall be \$2,964.09 per acre of property served by the connection.

(Ord. No. 3560, 4-25-00)

(Ord. No. 2379, Sections 1, 2, 11-16-71; Ord. No. 2529, Sections 1,2, 9-24-75; Ord. No. 2529, Sections 3, 4, 9-24-75; Ord. No. 2604, Sec. 1, 5-24-77; Ord. No. 2604, Sec. 2, 5-24-77; Ord. No. 2604, Sec. 3, 5-24-77; Ord. No. 2604, Sec. 4, 5-24-77; Ord. No. 2823, Sec. 1, 5-25-82; Ord. No. 2846, Sec. 1, 3-22-83; Ord. No. 2950, Sec. 1, 5-27-86; Ord. No. 2951, Sec. 1, 5-27-86; Ord. No. 2952, Sec. 1, 5-27-86; Ord. No. 2953, Sec. 1, 5-27-86; Ord. No. 2984, Sec. 1, 9-1-87; Ord. No. 3018, Sec. 1, 8-2-88; Ord. No. 3102, Sec. 1, 10-23-90; Ord. No. 3131, Sec. 1, 6-25-91; Ord. No. 3131, Sec. 2, 6-25-91; Ord. No. 3151, Sec. 1, 12-3-91; Ord. No. 3180, Sec. 1, 6-23-92; Ord. No. 3180, Sec. 2, 6-25-91; Ord. No. 3180, Sec. 3, 6-23-92; Ord. No. 3213, Sec. 1, 1-26-93; Ord. No. 3229, Sec. 2, 6-22-93; Ord. No. 3325, Sec. 1, 5-9-95; Ord. No. 3347, Sec. 1, 9-26-95; Ord. No. 3380, Sec. 1, 4-23-96; Ord. No. 3439, Sec. 1, 6-10-97; Ord. No. 4037, Sec. 28.201)